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Attorneys for Defendants JOSE ROSSI and
COUNTY OF NAPA

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT JONES,)	Case No. C07-3054 JCS
)	
Plaintiff,)	STIPULATED ORDER ADJUSTING
)	BRIEFING SCHEDULE
vs.)	
)	
NAPA POLICE DEPARTMENT; COUNTY OF)	
NAPA; CITY OF NAPA; MICHELLE JONES;)	
THOMAS TOLER, dba Toler Bail Bonds; JOSE)	
ROSSI; and DOES 1-100, Individually and as)	
employees or Agents of THE CITY or County OF)	
NAPA,)	
)	
Defendants.)	

Defendants City of Napa and its improperly named department, the Napa Police Department ("City Defendants"), and Defendants the County of Napa and Jose Rossi ("County Defendants"), through counsel, hereby stipulate and request that the Court order a modification of the briefing schedule on the pending City and County motions to dismiss. This Order is sought because the Court's identified briefing schedule conflicts with a pre-planned out-of-state vacation by counsel for City Defendants.

RECITALS

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2 1. City Defendants and County Defendants filed motions to dismiss this action, with
3 hearings set on September 12, 2008. The September 12, 2008 hearing date would, under the rules of this
4 Court, require any opposition to be filed on August 22, 2008 and any reply to be filed on August 29,
5 2008.

6 2. On July 22, 2008 the Court served an order modifying the standard briefing schedule
7 such that Plaintiff's opposition was ordered to be filed no later than August 6, 2008, and Defendants'
8 reply no later than August 13, 2008.

9 3. David C. Jones is counsel of record for City Defendants, is the attorney who prepared the
10 motion to dismiss, and is the only counsel with adequate knowledge of the matter to reply to any
11 opposition filed Plaintiff. Mr. Jones has a pre-scheduled out-of-state vacation from August 6, 2008
12 through August 13, 2008.

13 4. Immediately after receiving the Court's July 22, 2008 scheduling order City Defendants
14 counsel sent a letter to Plaintiff and to counsel for County Defendants asking that they stipulate to an
15 adjustment to the briefing schedule – as the Court's Order invites the parties to do so. A true and correct
16 copy of Mr. Jones' July 23, 2008 letter is attached hereto.

17 5. Counsel for County Defendants immediately communicated that an adjustment of the
18 briefing schedule was acceptable. Plaintiff did not respond to the July 22, 2008 letter in any fashion. On
19 July 29 and again on July 30, 2008, counsel for City Defendants called the telephone number listed on
20 Plaintiff's complaint, identified himself as David Jones with the City of Napa, and asked for Robert
21 Jones. On both occasions the man who answered the telephone denied he was Robert Jones, and said it
22 was a "wrong number."

23 6. City Defendants and County Defendants assert that, under the facts set forth above, good
24 cause exists for an adjustment of the briefing schedule on the pending motions to dismiss, such that
25 Plaintiff's opposition be due at the Court's convenience after August 13, 2008 and that Defendants'
26 reply be due seven calendar days thereafter. They request that the Court enter such an order.

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28 ///

CITY OF NAPA

July __, 2008

By: /s/
DAVID C. JONES, Deputy City Attorney
Attorney for Defendants CITY OF NAPA
NAPA POLICE DEPARTMENT

JONES & DYER

July __, 2008

By: /s/
KRISTEN K. PRESTON
Attorney for Defendants COUNTY OF NAPA
JOSE ROSSI

ORDER

GOOD CAUSE APPEARING, it is hereby ORDERED that Plaintiff's opposition to Defendants' outstanding motions to dismiss shall be filed and served by no later than August 13, 2008, and that Defendants' reply, if any, shall be filed and served by no later than August 20, 2008.

PURSUANT TO STIPULATION, it is so ORDERED.

Dated: _____, 2008

JEFFREY S. WHITE
United States District Judge